



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **LD-1**

January 27, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**AGREEMENT FOR TRANSFER OF STORM DRAIN SYSTEMS
CITY OF SIERRA MADRE
SUPERVISORIAL DISTRICT 5
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Approve the enclosed Agreement between the Los Angeles County Flood Control District (LACFCD) and the City of Sierra Madre that warrants the rights of way as to title, extent, and location of drainage facilities when transferred from the City to the LACFCD for operation and maintenance pursuant to Section 13-3/4 of the Los Angeles County Flood Control Act.
2. Authorize and instruct the Chair of the Board of Supervisors to execute the Agreement on behalf of the LACFCD.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The LACFCD has executed similar agreements with other cities in the County. Under the terms of the Agreement, the City warrants the accuracy of the right of way for future storm drain transfers, and the LACFCD would eliminate its independent review, except for an abbreviated review on major projects where extensive fee title is taken. This will accelerate the processing of transferring facilities. No storm drain facilities or property interests are being conveyed to the LACFCD at this time.

Implementation of Strategic Plan Goals

The Agreement will expedite the storm drain transfer from the City to the LACFCD and is consistent with the County Strategic Plan Goal of Service Excellence since the regularly scheduled maintenance of flood control facilities is needed to provide flood protection that improves the quality of life to residents in the area.

FISCAL IMPACT/FINANCING

No fiscal impact. The above-mentioned facilities are those drainage facilities that are built by the City or by private developers under bond to the City that are to be transferred to the LACFCD for operation and maintenance. The rights of way for these facilities are granted first to the City and then quitclaimed to the LACFCD as the facilities are transferred.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 13-3/4 of the Los Angeles County Flood Control Act authorizes your Board to accept the transfer and conveyance of storm drain facilities to the LACFCD upon approval of a City resolution, by four-fifths vote of the City Council.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

No adverse impact.

The Honorable Board of Supervisors
January 27, 2005
Page 3

CONCLUSION

The original and four copies of the Agreement are enclosed and have been signed by the City of Sierra Madre. Please return one copy of the adopted letter, with the original and two copies of the Agreement document properly executed and acknowledged, to Public Works, Land Development Division, for further processing. Retain one conformed copy for your interim file pending return of the original after recordation by our office and send one conformed copy to the Auditor-Controller.

Respectfully submitted,

DONALD L. WOLFE
Acting Director of Public Works

Al:plg

P:\dpub\SUBPCHECK\Board\City of Sierra Madre Agreement

Enc. 5

cc: Auditor-Controller
Chief Administrative Office
County Counsel

RECORDING REQUESTED BY:
AND MAIL TO:

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
P.O. Box 1460
Alhambra, CA 91802-1460
Attention: Mapping & Property
Management Division
R/W Engineering Section

AGREEMENT

THIS AGREEMENT IS DATED FOR REFERENCE ONLY, AND MADE BY AND BETWEEN:

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic of the State of California, hereinafter referred to as "DISTRICT,"

And

CITY OF SIERRA MADRE, a municipal corporation of the State of California, hereinafter referred to as "CITY".

RECITALS

- A. DISTRICT'S primary function is the control and conservation of the flood, storm, and other waste waters of said DISTRICT;
- B. DISTRICT is authorized by Section 13-3/4 of the Los Angeles County Flood Control Act to accept transfers and conveyances of flood control facilities for operation, maintenance, repair, and improvement thereof;
- C. CITY periodically requests by resolution that the DISTRICT accept transfers and conveyances of certain flood control facilities for operation, maintenance, repair, and improvement thereof;
- D. Acceptance by the DISTRICT of the flood control facilities for such purposes will benefit the CITY.

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Upon the execution of this Agreement by both parties, all transfers and conveyances of flood control facilities thereafter requested by the City and accepted by the DISTRICT shall be subject to the following:

1. CITY shall warrant that said facilities are contained within the described right of way, that it has complied with the DISTRICT's requirements as to the location of said facilities, that right of way is sufficient for the protection of the facilities and an access road, if necessary; that the land identified or described in the document by which the CITY acquired its interest is physically locatable by

interpretation or accurate analysis of the document, and by ties to legal points of record; and that said document contains no discontinuities, gaps, or overlaps.

2. CITY shall further warrant that it has good and sufficient title to the interest in the property in, over, under and across which the facilities are constructed, that CITY has the right to execute the deed transferring and conveying the same to DISTRICT, and that the interest transferred and conveyed by CITY to DISTRICT is free of all prior liens, encumbrances, charges, and conditions, unless expressly agreed to in writing by the DISTRICT's Chief Engineer.
3. CITY agrees to pay the cost of any relocation or modification of said facility made necessary by a relocation, change in grade, or other modification of any street or structure owned or under the control of the CITY.
4. CITY agrees to indemnify and hold harmless the DISTRICT, its officers, agents, and employees, from any and all loss, damage, or expense which DISTRICT, its officers, agents, and employees may suffer by reason of the breach of the foregoing warranties, and shall, when requested to do so by the DISTRICT, defend any action brought against the DISTRICT as a result of such breach.

In WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their respective officers, by the CITY on November 8, 2004, and by the DISTRICT, on _____, 2005.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
a body corporate **and** politic

BY _____
Chair, Board of Supervisors

ATTEST:
VIOLET VARONA-LUKENS
Executive Officer-Clerk of
the Board of Supervisors

BY _____
Deputy

APPROVED AS TO FORM:
County Counsel

BY Fred E. Scott
Deputy

CITY OF SIERRA MADRE
A Municipal Corporation

Robert Stockly
ROBERT STOCKLY
Mayor, City of Sierra Madre

ATTEST:

Nancy Sue Shollenberger
NANCY SHOLLENBERGER
City Clerk

Approved as to form:

12/1/04
Michael Colantuono
MICHAEL COLANTUONO
City Attorney

STATE OF CALIFORNIA)

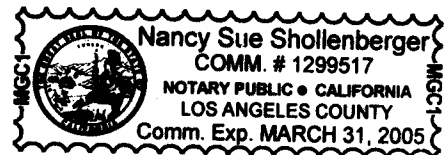
COUNTY OF LOS ANGELES)

) ss.

On Dec. 1, 2004, before me, Nancy Sue Shollenberger
personally appeared ROBERT STOCKLY, personally known to me to be the
person whose name is subscribed to the within instrument and acknowledged to
me that he executed the same in his authorized capacity, and that by his
signature on the instrument the person or the entity on behalf of which the person
acted, executed the instrument.

WITNESS my hand and official seal.

Nancy Sue Shollenberger
Notary Public



RESOLUTION NO. 04-088

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING AN AGREEMENT BETWEEN THE CITY OF SIERRA MADRE AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ALLOWING THE TRANSFER AND CONVEYANCE OF FLOOD CONTROL FACILITIES IN THE CITY OF SIERRA MADRE FROM THE CITY OF SIERRA MADRE TO THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

The City Council of the City of Sierra Madre does hereby resolve as follows:

SECTION I – That certain agreement, dated *November 8, 2004*, a copy of which is on file in the office of the City Clerk, between the City of Sierra Madre and the Los Angeles County Flood Control District allowing the transfer and conveyance of flood control facilities in the City of Sierra Madre from the City of Sierra Madre to the Los Angeles County Flood Control District ("the Agreement") is hereby approved.

SECTION II – The Mayor is authorized and directed to execute said Agreement on behalf of the City and the City Clerk is directed to attest thereto.

SECTION III – The City manager or his/her designee shall administer the terms of the Agreement on behalf of the City.

SECTION IV – The City Clerk shall furnish a copy of said Agreement after it has been approved and fully executed by the City, along with a copy of this Resolution, to:

County of Los Angeles Department of Public Works.
P.O. Box 1460
Alhambra, CA 91802 – 1460
Attn: Mapping and Property Management Division,
R/W Engineering Section

SECTION V – The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered into the book of Resolutions of the Council of the City of Sierra Madre.

Approved and Adopted on the 8th day of November, 2004.

I, the undersigned, hereby certify that the foregoing Resolution Number No. 04-088 was duly adopted by the Sierra Madre City Council following a roll call vote:

AYES: Mayor Robert A. Stockly, Mayor Pro Tem George Maurer
Councilmembers, John Buchanan, Enid Joffe, Tonja Torres

NOES: None

ABSENT: None


Rob Stockly, Mayor

ATTEST:


Nancy Shollenberger, City Clerk